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SUBJECT: KARZAI PROMISES RECONSIDERATION OF SHIA FAMILY LAW

REF: KABUL 837

Summary

¶1. (SBU) President Karzai said his government will fix the Shia Family Law legislatively, and will repair damage to the government's image more broadly. Substantively, Karzai has called on the Ministry of Justice to do a thorough review of the law, make fixes to make it consistent with equal protection provisions of the Constitution (and with international concerns, implicitly) and then have Parliament reconsider the legislation. SRSG Eide told Karzai privately to "bury this." The Justice Minister asked the international community to form a contact group to consolidate specific complaints and promised to address those issues before the legislation would be published in the government's official legal register. Karzai also addressed the issue briefly in a previously scheduled press conference to discuss The Hague conference. Charge told both Palace Chief of Staff Daudzai and FM Spanta that the United States welcomed the Palace's prompt action and legislative game plan.

Palace: Karzai welcomes Secretary conversation,
addresses issue in press conference

¶2. (SBU) Chief of Staff Daudzai informed Charge that Karzai was pleased with the two telephone conversations he had with the Secretary. Karzai welcomed the substantive understanding the two reached on both the actual circumstances of the law, and the plan ahead for solving the problems. Daudzai told Charge that Karzai was upset with his staff for not fully informing him of the offensive elements of the legislation.

¶3. (SBU) SRSG Eide met Karzai just after the latter's press conference. Eide informed Embassy that he told Karzai in firm terms to "bury this." Eide did not make clear to us whether he meant the law itself or the issue, in a political sense. Eide reported no substantive response from Karzai.

¶4. (U) Karzai addressed the issue today in a previously scheduled press conference, whose focus was to be on The Hague conference. When reporters asked about the Shia Law issue, Karzai informed the press that he would send the legislation to the MoJ for its review. The Ministry would revise any provisions that were inconsistent with equal protection guarantees in the Constitution, and then the Administration would take the changes to Parliament for reconsideration. Karzai said the international media had not read the entire text of the law, and so reports that it contained provisions against human rights were inaccurate. However, Karzai promised the MoJ's review would ensure the law's provisions did not run contrary to the Afghan Constitution.

Justice Ministry Briefing

15. (SBU) Justice Minister Danesh met later today (4/4) with members of the diplomatic community to hear their concerns regarding the law. Diplomats expressed concern with several articles in the law (reftel) and rejected the government's claim that mistranslation was to blame for the negative international reaction. An EU representative pointed out that many Afghans, who could understand the original text, were equally disturbed.

16. (SBU) Danesh asked the international community to form a contact group to consolidate concerns and present them to MoJ. Diplomats, including EmbOffs, pressured Danesh to hold off on publishing the law in the official legal gazette until the contact group's concerns were addressed. Danesh hedged on making a clear commitment, but appeared to consent to holding off on publishing the law until the IC's inputs were dealt with ("as long as you get them to us sooner rather than later," he said). The contact group will consist of UNAMA, the US, EU, NATO, Canada, and other interested governments.

FM Spanta: Monitor the legislative review, and will work on international image

17. (SBU) FM Spanta emphasized two points to the Charge: (1) there was substantial misreporting in the international press of the law; and (2) the government was serious about correcting the law. Spanta reiterated his strong commitment to human rights and women's issues. He declared the law had

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problems in both areas, but the Guardian press article, in particular, reported inaccurately on the content of the law. Spanta read from a copy of the law declaring that women in fact would be free to depart their homes without requiring their husband's permission (the 3/31 Guardian article reported the opposite).

18. (SBU) Spanta assured the Charge that he took this issue seriously, and would have his chief of staff (whom he characterized as a strong women's rights advocate) review the 250-plus page document for any problematic provisions. He would then personally take up any of these issues and advocate for changes in the Cabinet.

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